

image” captured of a “target character.” Therefore, “by identifying the target character accordingly to the character information thus obtained,” a “second image having at least the target character” is selected by the claimed image collecting unit.

The Examiner cites sections of Mayle that refer to the format of an image (i.e., JPEG and GIF) as allegedly disclosing the claimed “target character.” Office Action at pages 3-4.

Applicant submits that in the context of the claim language, this interpretation is not supported. Claim 1 recites “capturing a first image of the target character.” Applicant submits that although images may be captured in a JPEG format, this does not mean that an image of “JPEG” was captured. The claim recites “capturing a first image of the target character” (emphasis added), not capturing an image with certain data characteristics (i.e., the data format).

In addition, the Examiner contends, by citing col. 8, lines 3-5 of Mayle, that information related to “tabs” in an electronic postcard correspond the claimed character information. Office Action at page 4.

Applicant submits that the “tab” information is merely data regarding size, configurations, posting position of graphical data and text related to different parts of the electronic postcard. Therefore, these data eventually become part of the image itself. Since these data would be added to the postcard after the graphical data is selected, these data are not taken into consideration when the selection of the graphical data is made. Accordingly, the “tab” data cannot disclose or suggest the claimed character information since they are not used in the selection of “image data ... by identifying the target character according to character information thus obtained” as set forth in claim 1.

Haeberli does not cure the deficiencies of Mayle since Haeberli does not disclose or suggest at least the claimed character information obtaining unit.

As described above, the systems disclosed in Mayle and Haeberli do not disclose or suggest the claimed character information obtaining unit. Consequently, Mayle in view of Haeberli cannot bring about the advantages of the present invention, which is the “selection of image data ... by identifying the target character according to character information thus obtained” from the “character information obtaining unit,” as set forth in claim 1. Accordingly, Applicant submits that independent claim 1 is patentable over Mayle in view of Haeberli.

Because independent claims 43 and 78 recite features similar to those given above with respect to claim 1, Applicant submits that claims 43 and 78 are patentable for at least reasons similar to those given above with respect to claim 1.

Applicant submits that claims 2-14, 16, 20, 21, 24, 25, 38, 40, 44-51, 53, 54, 57, 60, 61, 64, 65, 67, 72, 74, 76 and 79-92 are patentable at least by virtue of their respective dependencies.

The Examiner has rejected claims 18, 19, 58 and 59 under 35 U.S.C. § 103(a) as being unpatentable over Mayle in view of Haeberli and Acosta *et al.* (US 6,166,729) [“Acosta”]. For at least the following reason, Applicant traverses the rejection.

Because Acosta does not cure the deficient teachings of Mayle and Haeberli with respect to claims 1 and 43, Applicant submits that claims 18, 19, 58 and 59 are patentable at least by virtue of their respective dependencies.

The Examiner has rejected claims 15, 17, 22, 23, 26-28, 36, 37, 39, 41, 52, 56, 62, 63 66, 68, 69, 71, 73 and 75 under 35 U.S.C. § 103(a) as being unpatentable over Mayle in view of

Haeberli and Kuno (US 6,567,121) ["Kuno"]. For at least the following reason, Applicant traverses the rejection.

Because Kuno does not cure the deficient teachings of Mayle and Haeberli with respect to claims 1 and 43, Applicant submits that these claims are patentable at least by virtue of their respective dependencies.

The Examiner has rejected claims 29-34, 35, 42, 70 and 77 under 35 U.S.C. § 103(a) as being unpatentable over Mayle in view of Haeberli, Acosta and Kuno. For at least the following reason, Applicant traverses the rejection.

Because the combination of Acosta and Kuno does not cure the deficient teachings of Mayle and Haeberli with respect to claims 1 and 43, Applicant submits that these claims are patentable at least by virtue of their respective dependencies.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Response Under 37 C.F.R. § 1.111
U.S. Serial No. 09/864,456

Attorney Docket No.: Q64549

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

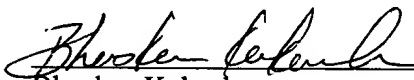
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Bhaskar Kakarla
Registration No. 54,627

Date: October 5, 2005